

### **REMARKS**

Claims 1 and 21- 31 are presently in this case. Claims 21 – 31 have been added, and claims 2 – 19 have been canceled without prejudice. These cancelled claims were deleted because of problems in their dependencies and to simplify the application. Claims 21 – 30 are duplicates of the claims in the Article 19 Amendment to the PCT case and of the cancelled claims as set forth in the Table of Concordance below, except that some claims have different dependencies. In addition, those changes to the original Claim 1, discussed with the Examiner during the interview, have been made to Claim 1 and the appropriate ones of Claims 21 - 30. Claims 2 - 20 have been canceled without prejudice to the subject matter claimed therein because no amendment was made to restrict the scope of those affected claims. Of the newly submitted claims, Claims 22, 29 and 30 contain additional language as follows. Claim 22 has been drafted to obviate the objections to now canceled Claims 7 and 16, there being no equivalent in the newly submitted set of claims to Claim 16. Claims 29 and 30 have been drafted to obviate the Section 112, second paragraph rejection of Claims 14 and 15 as being indefinite.

Support for newly added Claim 31 is found at least in FIGs. 2 and 5 and in the specification on page 4, lines 6 - 11. It is noted that Claim 31 has been drafted so as to read on both embodiments of the invention depicted in FIGs. 2 and 5. Claim 1 has been amended to explicitly state the inferential components already in original Claim 1, and as such, it is submitted, has not been limited in its scope.

Table of Concordance.

CI #	Claim Tree (Dependencies) Of Newly Added Claims	Orig. Claim # in this Case	Remarks
1	N/A	1	
21	1	2	
22	1	7	
23	1	8	
24	1	3	
25	1	4	
26	1	5	
27	1	6	
28	27	13	
29	27	14	
30	27	15	
31	1	None	

In the outstanding Office Action, the Examiner has rejected Claims 1-3, 6, 8, 9, 12, 13, 17 and 20 under 35 USC § 102(b) as being anticipated by Krauter et al. (U.S. Patent 6,013,026); has rejected Claims 1, 2, 7, 8 and 16 under 35 USC §103 as being obvious over the combination of Storz (U.S. Patent 5,529,570) in view of Krauter; has rejected Claims 4, 10, 14 and 18 under 35 USC §103 as being obvious over the combination of the Storz and Krauter patents and further in view of Phillips (U.S. Patent 3,856,001); has rejected Claims 5, 11, 15 and 19 under 35 USC §103 as being obvious over the combination of the Storz and Krauter patents and further in view of Upsher (U.S. Patent 4,527,553). Thus, all original claims were rejected in view of the applied prior art.

#### **I. The Interview**

The undersigned patent attorney and Mr. Eugeny Pecherer, the sole inventor in the case, held a personal interview with the Examiner and her supervisor on Friday, October 16, 2009, and the Examiner is thanked very much for accommodating the inventor who came in from Israel, on her normal day off. At the interview, as a result of some clarifications made to Claim 1, the Examiner and her Supervisor said that all claims in the case would be patentable over the cited references. This acknowledgment of patentable subject matter is acknowledged with appreciation.

During the interview, Mr. Pecherer, who has a Masters degree in Mechanical Engineering, has 6 U.S. patents and has recently filed 4 U.S. patent applications including the present case, and has been the R & D Director at the assignee of the current application for at

least the last 7 years, described the assignee as being a relatively small 17 year old company whose principal products are laryngoscopes. These are manufactured in Israel and India and are sold in over 60 countries.

Laryngoscopes have been used for decades for intubation purposes. They are subject to several ISO conventions. ISO 7376 standardizes cylindrical handle and a blade removably attachable to the handle in a double snap engagement. The first snap engagement is used for pivotally attaching a blade onto a handle. The second snap engagement is used for locking the blade in an intubation position. The present invention relates to a blade section that is mountable on a conventional handle that complies with the international standards.

Mr. Pecherer showed the Examiners actual laryngoscopes that were part of the prior art and that were in accordance with the present invention. He explained that laryngoscope handles are usually metal whilst the blades are either made of metal or plastic. Most doctors prefer metal laryngoscope blades over plastic laryngoscope blades because of their feel and strength. However, conventional metal laryngoscope blades are considerably more expensive than their plastic counterparts. For example, one expensive component of metal laryngoscope blades is the use of a ball and spring detent to removably latch a blade onto a handle (see, e.g. FIG. 9 in the Krauter reference). Due to the high cost of metal laryngoscopes blades, such blades are recycled by undergoing autoclaving for sterilization purposes. However, there remain sterilization concerns after autoclaving.

The present invention is thus directed to a much less expensive metal laryngoscope blade that is attachable to a conventional handle. The blade affords the strength and feel of a conventional metal laryngoscope blade but at a price point that enables the blade to be disposed of after a single use

## II. Prior Art Rejections.

As mentioned above, the independent Claim 1 was rejected as being anticipated by the Krauter patent and as being obvious over the combination of the Storz and Krauter patents. The Examiner said with respect to the Krauter patent:

Krauter et al. discloses **a metal laryngoscope blade (22, Fig. 3), the metal laryngoscope blade having a leading tip and comprising (a) a resiliently elastically deformable metal blade hook-on fitting including a thin walled U-shaped retaining member (39, Fig. 3 wherein it is considered to be elastically deformable because it is made of stainless steel, Col. 3 lines 33-35) facing toward the metal laryngoscope blade's leading tip, and including a pair of spaced apart substantially parallel side walls (see Figures below [the Examiner is apparently considering the two parallel sides of the solid block base portion 39 to be the side walls of the claimed U-shaped retaining member]) with a resiliently elastically deformable bridge (see Figures below [the Examiner is considering the solid edge of part 39 to be the bridge]) extending widthwise between their leading lowermost regions for defining a cutout (37, Fig. 3), said side walls having trailing regions with respect to said bridge having exterior surfaces at least one thereof being provided with a non-frangible metal protrusion integrally formed therewith (36, Fig. 3) ....** (Emphasis original)

## REPLY

With respect, it is submitted that the Examiner is incorrect in many aspects of her trying to equate the claimed features with those depicted in the Figures of Krauter. These aspects include at least the following:

1. The solid block 39 of Krauter cannot be said to be U-shaped. A U-shaped member has two spaced apart side walls and a top portion. However, Claim 1 has been amended to recite specific feature that are inherent in a U-shaped member. Thus, it is submitted that Claim 1 has not been narrowed by making explicit this implicit feature.

2. The claimed “resiliently elastically deformable bridge” is front bridge 23 in FIG. 2 of the present application. The solid block 39 of Krauter is used to mount blade 22 onto the pin 16 of handle 12. Thus, it provides the mounting support and strength to the assembly and cannot be said to be “resiliently elastically deformable.” The reference does not mention this and it is submitted that the Examiner’s characterization is without support and is incorrect.

3. The Krauter reference does not have a bridge extending widthwise between the lowermost regions of the walls. As stated above, this claimed bridge reads on front bridge 23 of Figure 2 of the present application. It is noted that the crosspiece of the U-shaped retaining member was not mentioned in Original Claim 1, but now has been added to amended Claim 1 for more fully defining the claimed U-shaped member. This now explicitly claimed element part reads on “major front crosspiece 22 in FIG. 2 of the present application. But since it is inherent

in the claimed U-shaped member, it is submitted that stating it explicitly does not add any narrowing of Claim 1.

4. The Krauter reference does not include the claimed non-frangible metal protrusion on the exterior surface of the side wall trailing region. This language reads on protrusions 28A or 28B in FIG. 2 of the present application. These protrusions are used to be inserted in recesses 17A or 17B, respectively of the handle in FIG. 2 of the present application. Thus, these inexpensive features replace the ball and spring detent of the prior art. The protrusion 36 in FIG. 3 of Krauter is designed to mount supporting block 28. See Krauter, Col. 3, lines 47 - 61 and is located on the inside surface of the solid block 39 and thus cannot engage the slots in the handle10.

These same arguments are applicable with respect to the Storz reference, because its solid block, blade mount coupling 9, FIG. 2 and FIG. 9, is substantially similar to that depicted in the Krauter reference.

Accordingly it is submitted for the forgoing reasons, Original Claim 1 is patentable over the Krauter and Storz references. However, as agreed to during the interview, Claim 1 has been amended so that the U-shaped member has been explicitly claimed.

It is further submitted that dependent Claims 21 - 31 all ultimately dependent on Claim 1 are at least patentable over the applied references at least for the reasons stated above with respect to Claim 1.

### **III. Other Rejections and Objections**

As stated above, the indefiniteness rejections of Claims 14 and 15 have been obviated by appropriately amending the corresponding newly added claims, and the Objection to Claims 7 and 16 have been obviated by amending those corresponding newly added claims.

### **IV. Newly Added Claim 31**

The Claims have also been amended by adding Claim 31, which claims in greater detail light guide mount 9 depicted in FIG. 2 of the present application. Because this claim is dependent on Claim 1, now said to be allowable in its current amended form, it is submitted that Claim 31 is patentable over the applied references at least for the reasons set forth above with respect to Claim 1.

### **CONCLUSION**

For the forgoing reasons, and as the Examiner agreed at the interview, it is submitted that all claims now in the case are patentable over the cited references. Accordingly such action is now respectively requested. Should the Examiner have any further questions, concerns or comments, she is requested to call the undersigned so that this application can be patented as soon as possible.



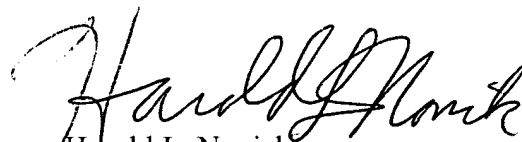
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Respectfully submitted,

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